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CHAPTER 20

**AIR POLLUTION CONTROL**

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20.01 **DEFINITIONS.** The following definitions shall be applied in the interpretation and enforcement of this chapter.

(1) **AIR CONTAMINANT.** Any waste discharged from fuel burning equipment, internal combustion engines, premises, open fires, stacks, or from any other source which results in air pollution to a degree causing injury, detriment, nuisance, or annoyance to any considerable number of person or to the public or which endangers the comfort, repose, health, or safety of any such persons or the public or which causes or has a tendency to cause injury or damage to business or property. Air contaminants include, without limiting by enumeration, any other specific detriments, dust or dust clouds emanating from parking lots, drivers, and service areas or arising as a result of the operation and parking of vehicles on a surface other than blacktop, concrete or the equivalent. Equivalent means the surfacing with road oil or soil cement in accordance with specifications approved by the Director of Public Works and the Heating and Ventilating Inspector.

(2) **BUILDING FIRES.** "A new fire being built" means a fresh fire being started and does not mean the replenishing of an existing fuel bed with additional fuel.

(3) **CERTIFICATE OF OPERATION.** A certificate issued by the Inspector authorizing the use of any fuel burning equipment for the period indicated, after it has been determined that it can be operated in compliance with this chapter.

(4) **CLEANING FIRES.** "When the firebox is being cleaned out" means the period during which the fuel bed, including ash and clinker, is being completely removed from the grate surface. Such operation may be done by cleaning portions of the grate at different times. This phrase does not mean the act of shaking the grates to remove ash or individual clinkers from the fuel bed.

(5) **DEPARTMENT.** The Department of Air Pollution Control of the City.

(6) **DUST.** Gas-borne or air-borne particles larger than one micron in mean diameter.

(7) **DUST SEPARATING EQUIPMENT.** Any device for separating dust from the gas medium in which it is carried.

(8) **EMISSION.** Emission into the open air.

(9) **FUEL BURNING EQUIPMENT.** Any furnace, incinerator, refuse burning equipment, dust separating equipment, boiler, apparatus, device, mechanism, stack, chimney, or structure used in the process of burning fuel or other combustible material.

(10) **FUMES.** Gases or vapors that are of such character as to create an unclean, destructive, or unhealthful condition.

(11) **INSPECTOR.** The Heating and Ventilating Inspector (Air Pollution Control Inspector) of the City.

(12) **INSTALLATION PERMIT.** A permit issued by the Inspector authorizing the construction, installation, alteration, or repair of any fuel burning equipment in accordance with plans and specifications approved by him.

(13) **INTERNAL COMBUSTION ENGINE.** Any engine in which the combustion of a gaseous, liquid, or pulverized solid fuel takes place within one or more cylinders.

(14) **MECHANICAL FIRING.** Firing through the use of mechanical equipment such as burners, stoker, or other approved firing devices.

(15) **OPEN FIRE.** Any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.

(16) **OPERATING PERMIT.** A permit issued by the Inspector authorizing the use of any fuel burning equipment for test purposes to determine whether it can be operated in compliance with this chapter. (See Certificate of Operation.)

(17) **RAILROAD LOCOMOTIVE.** Any railroad locomotive or railroad vehicle using a liquid, solid, or pulverized solid fuel.

(18) **RINGELMANN CHART.** The standard by which the shade or density of smoke is measured, published by the United States Bureau of Mines.

(19) **SMOKE.** All gaseous products of combustion, together with carbon, soot, fly ash, and all other particulate solids in combustion gases in sufficient density to be observable.

(20) **SEAL OR SEALING EQUIPMENT.** A device installed by the Inspector to prevent use of fuel burning equipment operating in violation of this chapter.

(21) **SOOT.** Agglomerated particles consisting essentially of carbonaceous materials.

(22) **STACK OR CHIMNEY.** Stack, chimney, flue, conduit, or opening arranged for the emission into the open air of smoke, dust, cinders, soot, fumes, noxious gases, or wastes.

(23) **TECHNICAL ENGINEER.** A person qualified by law to practice professional engineering or one qualified for full membership in the American Society of Mechanical Engineers.

20.02 **RINGELMANN CHART ADOPTED.** The Ringelmann Chart, published by the United States Bureau of Mines, is adopted by reference and made a part of this chapter as though set out in full. Such chart shall be the reference by which the shade or density of smoke shall be measured.

20.03 **DEPARTMENT OF AIR POLLUTION CONTROL.**

(1) **CREATED.** There is created a Department of Air Pollution Control of the City.

(2) **HOW CONSTITUTED.** The membership of the department of Air Pollution Control shall consist of:

(a) The Heating and Ventilating Inspector, who shall be appointed by the Mayor, subject to confirmation by the Council, for a term of two years commencing on May 1 in the year in which appointed; and

(b) Such inspectors and other employees as may, in the opinion of the Council, be necessary for the proper performance of the work of the Department. Such inspectors and employees shall be appointed by the Inspector and shall be paid such salaries as may be fixed by the Council.

20.04 **DUTIES OF THE HEATING AND VENTILATING INSPECTOR.** The Heating and Ventilating Inspector shall be responsible for the administration of smoke and other air pollution regulations of the City and shall have the following duties:

(1) **ISSUANCE OF PERMITS, CERTIFICATES, AND NOTICES.**

(a) **Installation Permits.** The examination of the application and plans for the construction, installation, or alteration of any fuel burning equipment or any equipment pertaining thereto and, if found to meet the requirements of the rules and regulations, the issuance of an installation permit.

(b) **Operating Permits and Certificates of Operation.** The inspection of the installation of all equipment for which a permit has been issued and, if found that the work is completed in accordance with the rules and regulations, the issuance of an operating permit and thereafter, when operation is demonstrated to comply with the provisions of this chapter, the issuance of a certificate of operation.

(c) **Notices.** The issuance of any notice required under the provisions of this chapter.

(2) **MAINTENANCE RECORDS.** The Inspector shall keep in the office of the Department of Air Pollution Control all applications made and a complete record thereof, as well as all permits and certificates issued. The Inspector shall keep a record of all smoke observations on all stacks and generally of the work done by the Department. All such records shall be open for inspection by the public at all reasonable times.

(3) **INSPECTIONS.** The investigation of complaints and the making of inspections and observation of smoke conditions.

(4) **EDUCATION.**

(a) **Smoke Reduction.** The publication and dissemination of information on methods of smoke reduction.

(b) **Scientific and Other Societies.** The enlistment of the cooperation of civic, technical, scientific, and educational societies.

(5) **NEW REGULATIONS.** The preparation and presentation to the Council for consideration of such rules and regulations necessary for the effective enforcement of the provisions of this chapter. See §20.05, Green Bay Municipal Code.

20.05 **ESTABLISHMENT OF RULES AND REGULATIONS.** The Inspector may prepare and present to the Council for consideration rules and regulations for the installation and operation of fuel-burning equipment and all other devices susceptible to use in a non-complying manner as to the kind of fuel to be used for various types of equipment and as to necessary auxiliary devices to aid in meeting the requirements of this chapter. When adopted by the Council, such rules and regulations shall have the force and effect of ordinances. The Council, upon recommendation of the Inspector, may from time to time alter, amend, or rescind such rules and regulations and promulgate such additional rules and regulations as are deemed advisable. Such rules and regulations as may be prepared, revised, amended, or rescinded shall be made effective 30 days after their publication in the official newspaper of the City.

20.06 **INSTALLATION PERMITS, OPERATING PERMITS, AND CERTIFICATES OF OPERATION.**

(1) OPERATING PERMITS.

(a) **Required.** No person shall construct, install, reconstruct, or alter any fuel-burning equipment or any equipment pertaining thereto for use with the City until an application, including suitable plans and specifications of the fuel-burning equipment and structures or buildings used in connection therewith, has been filed by such person or an agent in the office of the Inspector and has been approved by an inspector and an installation permit issued for such construction, installation or alteration.

(b) **Information to be Supplied.** Such plans and specifications shall show the form and dimensions of the fuel-burning equipment, in particular the proposed boiler, furnace, fuel burner, stack, and ducts, together with the description and dimensions of the building or part thereof in which such fuel-burning equipment is to be located, including the means provided for admitting air for combustion. The character of the fuel to be used, the maximum quantity of such fuel to be burned per hour, the operating requirements, and the use to be made of such fuel-burning equipment shall be stated.

(c) **Exceptions.**

1. Maintenance or repair which does not change the capacity of such fuel-burning equipment and which does not involve any change in the method of combustion or affect the emission of smoke, dust, or fumes therefrom may be made without an installation permit.

2. Emergency repairs other than repairs specified in par. (c)1, above, may be made prior to the application for an installation permit if serious consequences may result if such repairs are deferred. When such repairs are made, the person responsible shall notify the Inspector on the first business day after the emergency occurred and file an application for an installation permit if directed to do so by the Inspector.

(d) **Issuance.** An application shall be approved or rejected within 10 days after it is filed in the office of the Inspector. Upon the approval of the application and upon the payment of the prescribed fees, the Inspector shall issue a permit for the construction, installation, or alteration of such fuel-burning equipment.

(e) **Deviations from Plans to be Approved.** No construction, installation, reconstruction, or alteration shall be made which is not in accordance with the plans, specifications, and other pertinent information upon which the installation permit was issued without the written approval of the Inspector.

(f) Violations.

1. Work to be Stopped. Violation of the provisions of the installation permit shall be sufficient cause for the Inspector to order all work stopped. The Inspector may seal the installation. No further work shall be done until the Inspector is assured that the condition in question will be corrected and that the work will proceed in accordance with the installation permit.

2. Seal. No person shall violate the seal of any fuel-burning equipment that has been sealed at the direction of the Inspector unless authorized by the Inspector in writing to do so.

(g) Lapse. If construction, installation, reconstruction, or alteration is not started within one year of the date of the installation permit, such permit shall lapse and become void and all fees shall be forfeited unless an extension of time is warranted and granted by the Inspector.

(2) OPERATING PERMIT. No person shall operate or cause to be operated any new or altered fuel-burning equipment or any equipment pertaining thereto for which an installation permit was required or was issued until an inspection has been made by the Inspector and an operating permit issued. The Inspector may seal any equipment in operation for which an operating permit was not obtained as required by this chapter.

(3) CERTIFICATE OF OPERATION. After an operating permit has been issued and it is demonstrated to the satisfaction of the Inspector that the fuel-burning equipment can be operated in compliance with this chapter, a certificate of operation shall be issued by the Inspector. Such certificate shall be kept posted on or near the installation for which it was issued. A certificate of operation cannot be issued on equipment until the person required to procure the certificate of operation complies with this chapter.

(4) NON-COMPLIANCE NOT APPROVED BY ISSUANCE. The issuance by the Inspector of any installation permit, operating permit, or certificate of operation shall not exempt the person to whom such permit or certificate was issued or who is in possession of the same from prosecution for the emission of smoke, dust, cinders, soot, fumes, noxious gases, or waste prohibited by this chapter.

(5) APPEAL. Any person who has been refused a permit or certificate under this section shall be entitled to a hearing on such refusal before the Inspector, who shall provide procedures by which such appeal shall be heard.

(6) EXCEPTION. This section shall not apply to locomotives or one-family residences.

20.07 **COORDINATION OF MUNICIPAL REGULATIONS.** No permit for the erection, construction, or alteration of any building, plant, or structure related in any manner to fuel-burning equipment shall be issued by any department of the City until the Inspector has first issued a permit covering that portion of the work subject to this chapter to be used in the building, plant, or structure or unless the inspector determines the plans submitted will permit the subsequent installation of facilities adequate for compliance with this chapter.

20.08 **FEES.** The Inspector shall not issue any permits or certificates or inspect any furnaces or other fuel-burning equipment or devices until the fees enumerated in the rules and regulations have been paid to the Department of Air Pollution Control. Such department shall daily pay over all fees received by it to the City Treasurer, taking a receipt therefor.

20.09 **ENTRANCE TO PREMISES.** No person shall interfere with the Inspector or other Department Inspectors in the performance of their duty by refusing them entrance to the premises pursuant to §§66.12 and 66.123, Wis. Stats., at reasonable hours upon identification.

20.10 **REPORTING OF SALES AND PURCHASES.**

(1) All persons engaged in the business of selling fuel-burning equipment shall report to the Inspector the sale of such equipment to be installed within the City. Every person purchasing such equipment shall give to the buyer a signed written statement setting forth the street and house number address of the building in which such equipment is to be installed. Such report shall be delivered by the seller to the Inspector within seven days after such sale and shall contain the name and address of the purchaser.

(2) The Inspector may demand at any time and shall be furnished with a true and correct report showing in detail the equipment purchased and the name and address of the person purchasing such equipment, together with the address of the building in which such equipment is to be installed.

(3) The provisions of this section shall not apply to wholesale transactions made for the purpose of resale.

20.11 **DUST SEPARATORS AND SMOKE INDICATORS.**

(1) **DUST SEPARATORS.** Excepting standby equipment used in emergencies for a total of no more than 10 percent in any one year, all installations using pulverized fuel burners, spreader-type stokers, or other similar solid-fuel suspension burning type of equipment shall be provided with approved dust-separating equipment. Dust-separating equipment installed subsequent to April 18, 1950, shall have a dust-separating efficiency of not less than 85 percent; dust separating equipment installed prior to April 18, 1950, shall have a dust separating efficiency of not less than 75 percent. The Inspector shall be notified of any emergency referred to in this subsection within 12 hours after the occurrence thereof.

(2) **SMOKE INDICATORS.** All newly-constructed or reconstructed solid or liquid fuel-burning plants having more than 300 sq. ft. of boiler heating surface (30 h.p.), or its equivalent, shall be equipped with smoke indicators, mirrors, or similar devices approved by the Inspector to enable the firemen to observe the top of the stack where it is not readily visible from the boiler room without the use of such devices. In plants where a fireman is not in constant attendance in the boiler room, the smoke indicator shall be of a type which will sound an alarm or flash a signal to attract the attention of the fireman. Any existing plant which emits unlawful smoke may be required to install such an indicating device.

(3) **EXCEPTIONS.** The provisions of this section shall not apply to locomotives or steamships.

20.12 **DISPOSAL OF DUST.**

(1) Dust from dust separating equipment and from other sources in any installation which is not to be reclaimed shall be moistened and hauled in an approved manner to a City dump or other approved point of disposal. If the dust is to be reclaimed, it shall be handled in a manner satisfactory to the Inspector.

(2) This section shall not apply to railroad locomotives or steamships.

20.13 **CONTAMINANTS**. No person shall cause or permit to be emitted into the open air any air contaminant from any device, nor shall any person cause or permit to be blown into the open air any air contaminant from any dust-borne material.

20.14 **EMISSION: LIMITS AND MEASUREMENT**.

(1) GENERAL.

(a) **Ordinary Operation**. No person shall cause or permit to be emitted into the open air from any stack or chimney, fuel-burning equipment, internal combustion engine, premises, open fire, or any other source smoke the shade or density of which is equal to or greater than No. 2 of the Ringelmann Chart, except smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted for a period or periods not to exceed two minutes in any 30-minute period, and except when the firebox is being cleaned out or a new fire is being built therefor or when such a breakdown of equipment occurs that such emission is not reasonably preventable.

(b) **Clean-Outs and New Fires**. When the firebox is being cleaned out, or flues are being blown, or a new fire in being built therein, smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not exceeding nine minutes in any 60-minute period, or smoke of a density equal to but not exceeding No. 3 on the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not exceeding five minutes in any 60-minute period. When flues are being blown on boilers exceeding 100,000 lb. of stem per hour, smoke equal to No. 2 on the Ringelmann Chart may be emitted for a period or aggregate of periods not exceeding 16 minutes in any single period of 120 minutes. The emissions of smoke permitted in this paragraph shall be in the alternative and not cumulative. No person shall cause or permit to be emitted into the open air during the cleaning out of a firebox or the building of a new fire therein smoke the shade or density of which exceeds the limits permitted by this paragraph nor for a longer period than herein permitted.

(2) LOCOMOTIVES.

(a) **In Service or Ready for Service**. Smoke the shade or density of which is unlimited may be emitted into the open air from any railroad locomotive in service or ready for service for a period or aggregate of periods not to exceed 45 second in any three-minute period. During the remainder of such three-minute period, smoke the shade or density of which is equal to but does not exceed No. 2 of the Ringelmann Chart may be emitted. No person shall cause or permit to be emitted into the open air from any railroad locomotive in or ready for service smoke the shade or density of which exceeds the limits permitted by the provisions of this paragraph, except when such a breakdown of equipment occurs that such emission is not reasonably preventable.

(b) **Clean-Outs and New Fires**. When a firebox is being cleaned out or a new fire is being built in a railroad locomotive, smoke the shade or density of which is equal to but not greater than No. 2 of the Ringelmann Chart may be emitted into the open air for a period or aggregate of periods not to exceed nine minutes in any 60-minute period, or smoke the shade or density of which is unlimited may be emitted into the open air for a period or aggregate of periods not exceeding five minutes in any 60-minute period. Emission of smoke as permitted by the provisions of this paragraph shall be in the alternative and not cumulative. No person shall cause or permit to be emitted into the open air from any railroad locomotive while the firebox thereof is being cleaned out or a new fire is being built therein smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted.



(3) STEAMSHIPS.

(a) When Navigating or Maneuvering. While navigating or maneuvering in the river inside the City, a steamship may emit into the open air smoke the shade or density of which is unlimited for a period or an aggregate of periods not to exceed three minutes in any 15-minute period. During the remainder of such 15 minutes, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. No steamship shall emit and no person shall cause or permit to be emitted into the open air from any steamship situated as herein set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted. The provisions of this section shall not apply to any ship making its first call at the Port of Green Bay in any calendar year.

(b) Steamships Docked. When any steamship is docked within the City [except as provided in paragraphs (c) and (d)], it may emit smoke the shade or density of which is less than No. 2 of the Ringelmann Chart, except during the last 15 minutes before such steamship leaves such dock, such steamship may emit smoke the shade or density of which does not exceed No. 3 of the Ringelmann Chart for a period or aggregate of periods not to exceed three minutes, provided that such permitted emission shall not be cumulative to the emission permitted by paragraph (d). No steamship shall emit and no person shall cause or permit to be emitted into the open air from any steamship situated as above set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted.

(c) Self-Unloading Steamship. Steamships equipped with self-unloading machinery which is operated by power from the main power plant of such steamship may, while docked in the City and while such self-unloading machinery is actually and necessarily operating in the discharge of cargo, emit smoke the shade or density of which is unlimited for three minutes in any 12-minute period. During the remainder of such 12-minute period, such steamship so equipped and while so operated may emit smoke the shade or density of which is less than No. 2 of the Ringelmann Chart. No steamship so equipped and while so operated shall emit and no person shall cause or permit to be emitted into the open air from such steamship smoke the shade or density of which exceeds the limits permitted by this paragraph.

(d) Clean-Outs and New Fires. When a firebox is being cleaned out or a new fire is being built therein in a steamship or tugboat, or when such steamship or tugboat is undergoing inspection by a Marine Inspector in accordance with regulations of the United States Coast Guard, such steamship or tugboat may emit into the open air smoke the shade or density of which does not exceed No. 2 of the Ringelmann Chart for a period or aggregate of periods not to exceed nine minutes in any 60-minute period or smoke the shade or density of which is unlimited for a period or aggregate of periods not to exceed five minutes in any 60-minute period. The emission of smoke permitted in this paragraph shall be in the alternative and not cumulative. No steamship shall emit and no person shall cause or permit to be emitted into the open air from any steamship while its firebox is being cleaned out or a new fire is being built therein, or a Marine Inspector's inspection is being made, smoke the shade or density of which exceeds the limits permitted by the provisions of this paragraph nor for a longer period of time than is herein permitted.

(4) TUGBOATS.

(a) When Navigating or Maneuvering Under Own Power. While navigating or maneuvering under its own power in the river inside the City and not engaged in towing a steamship, a tugboat may emit into the open air smoke the shade or density of which is unlimited for a period or aggregate of periods not to exceed three minutes in any 15-minute period. During the remainder of such 15-minute period, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. No tugboat shall emit and no person shall cause or permit to be emitted into the open air from any tugboat situated as set forth smoke the

shade or density of which exceeds the limits permitted by this paragraph nor for a longer period than herein permitted.

(b) When Towing Steamships. When a tugboat is towing a steamship within the City, it may emit smoke the shade or density of which is unlimited for a period or aggregate periods not to exceed three minutes in any 12-minute period. During the remainder of such 12-minute period, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. No tugboat shall emit and no person shall cause or permit to be emitted into the open air from any tugboat situated as set forth smoke the shade or density of which exceeds the limits permitted in this paragraph nor for a longer period than herein permitted.

(c) While Docked. While docked in the City inside the river, a tugboat may emit into the open air smoke the shade or density of which is unlimited for a period or aggregate of periods not to exceed three minutes in any 15-minute period. During the remainder of such 15-minute period, smoke the shade or density of which is less than No. 2 of the Ringelmann Chart may be emitted. These permitted emissions shall not be cumulative to the emissions permitted by paragraph (d). No tugboat shall emit and no person shall cause or permit to be emitted into the open air from a tugboat situated as set forth smoke the shade or density of which exceeds the limits permitted by this paragraph nor for longer periods than herein permitted.

(5) LIMITATION ON DUST EMISSION.

(a) Except when blowing flues as permitted in §20.14(1)(b), Green Bay Municipal Code, no person shall cause or permit to be emitted into the open air from any fuel-burning equipment, or to pass any convenient measuring point in the stack, dust in the gases to exceed 0.85 lb. per 1,000 lbs. of gases, adjusted to 12 percent CO content for the products of combustion.

(b) No person shall cause or permit to be discharged from any industrial process, manufacturing operation, material handling, or any other source dust in the gases or air to exceed 0.85 lb. per 1,000 lbs. of the gases, except in no case shall more than 15 percent of the total dust measured before entering the dust-separating device be emitted into the atmosphere.

(6) ASCERTAINMENT OF DUST QUANTITY.

(a) The quantity of dust or solids in the gases shall be determined according to the Test Code for Dust-Separating Apparatus Society of Mechanical Engineers, 1941, which is made a part of this chapter by reference.

(b) This subsection shall not apply to railroad locomotives or steamships.

20.15 SEALING OF EQUIPMENT.

(1) NOTIFICATION AND HEARING.

(a) Any person who has been notified of three or more violations of this chapter in respect to the emission of smoke, dust, cinders, soot, fumes, noxious gases, or waste within any consecutive 12-month period shall be notified to show cause before the Inspector on a day certain, not less than 10 days from the date of notice, why the equipment causing such violation shall not be sealed. If the person so notified is not the owner of the equipment, such notice shall also be given to such owner or to the agent of such owner. The notice herein provided for may be given by registered mail directed to the last known address of the person to

be notified, with return receipt of address required; or if the person's whereabouts is unknown, by posting a notice on or near the premises at which such violations have occurred. The person so notified may appear at such hearing and be heard. If the Inspector finds upon such hearing that adequate corrective means and methods have not been employed to correct such violation, the Inspector shall seal the equipment until such time as an installation permit and operating permit, as provided under this chapter, have been applied for and issued for such equipment.

(2) **SEAL.** No person shall violate the seal on any fuel-burning equipment that has been sealed at the direction of the Inspector, unless authorized by the Inspector in writing to do so.

20.16 **PERSONS LIABLE.**

(1) All persons owning, operating, or in charge or control of any equipment who shall cause, permit, or participate in any violation of this chapter, either as proprietors, owners, lessees, tenants, managers, superintendents, constructors, installers, mechanics, repairmen, captains, janitors, engineers, firemen, or otherwise, shall be individually and collectively liable for any penalties imposed by this chapter.

(2) The Inspector may institute complaints against all persons violating this chapter.

20.20 **GENERAL PENALTY.** Any person who shall violate any provision of this chapter or any rule, regulation, or order made hereunder shall be subject to a penalty as provided in §40.05, Green Bay Municipal Code. The unlawful emission of smoke, dust, cinders, soot, fumes, noxious gases, or waste from each stack shall constitute a separate offense.